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OFFICE OF PETITIONS

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In re Application of	:	
Tadayoshi Okada et al.	:	
Application No. 10/663,060	:	DECISION ON THIRD RENEWED
Filed: September 12, 2003	:	UNDER 37 C.F.R. §1.181(A)
Attorney Docket Number: A35998-	:	AND PETITIONS UNDER 37
074224.0118	:	C.F.R. §§1.137(B), 1.182 AND
Title: HIGH-STRENGTH BOLTED	:	1.183
CONNECTION STRUCTURE WITH NO	:	
FIRE PROTECTION	:	

This is a decision on the "Request for Reconsideration of Second Renewed Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181(a)," filed January 8, 2007.

Procedural History

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed June 24, 2005, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 25, 2005. A notice of abandonment was mailed on August 15, 2006.

The original petition under 37 C.F.R. §1.181(a) was submitted on January 11, 2006, and was dismissed via the mailing of a decision on March 16, 2006.

The renewed petition under 37 C.F.R. §1.181(a) was submitted on June 16, 2006 and was dismissed via the mailing of a decision on July 17, 2006.

The second renewed petition pursuant to 37 C.F.R. §§1.137(b), 1.181, 1.182, and 1.183 was filed on September 1, 2006. A decision was mailed on October 2, 2006, granting the petition pursuant to 37 C.F.R. §1.137(b) and dismissing the petitions pursuant to 37 C.F.R. §§1.181, 1.182, and 1.183. As such, the present application was revived, and the Technology Center was notified of the decision so that the Request for Continued Examination (RCE) could be processed.

Analysis

With this second renewed petition, Petitioner has asserted that "in their renewed Petition filed September 1, 2006 ("Renewed Petition") applicants respectfully requested...waiver of fees associated with the filing of the petition and alternate petitions therein¹." This assertion appears to be incorrect. The undersigned has reviewed the petition in question, and has not located any such request for the waiver of the associated fees.

Petitioner has further asserted that the "October decision withdraws the holding of abandonment²..." This is factually incorrect. The petition pursuant to 37 C.F.R. §1.181(a) was dismissed. Consequently, the holding of abandonment was deemed to be proper, and was not withdrawn. Rather the petition pursuant to 37 C.F.R. §1.137(b) was granted, and the present application was consequently revived.

With this second renewed petition, Petitioner has requested "reconsideration and reversal of the fee charges for 37 C.F.R. §§1.137(b), 1.182, and 1.183 petitions" due to the alleged presence of an extraordinary situation.

Petitioner's request is **DISMISSED AS MOOT**.

Petitioner filed a plurality of petitions, and requested the Office to consider these petitions. Petitioner is a registered practitioner, and as such, he is expected to be aware of the fact that the consideration of a petition requires the submission of the associated fee. Petitioner will note:

1 Second renewed petition, page 2.

2 Id.

- 37 C.F.R. §1.137(b) explicitly sets forth "a grantable petition pursuant to this paragraph must be accompanied by...the petition fee as set forth in § 1.17(l)."
- 37 C.F.R. §1.182 explicitly sets forth "any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f)."
- 37 C.F.R. §1.182 explicitly sets forth "any petition under this section must be accompanied by the petition fee set forth in § 1.17(f)."

Petitioner received the relief he requested, the application was revived, and consequently, the issue is moot.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).